



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

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[Docket No. 45-FD]

IN THE MATTER OF THE APPLICATION OF THE BIRMINGHAM WATER WORKS COMPANY FOR RENEWAL OF EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Birmingham Water Works Company, Applicant herein, having on June 14, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in its business of supplying water for domestic and industrial use to the City of Birmingham, Alabama, and adjacent territory within the State of Alabama; and

The Commission having on June 6, 1938,¹ entered an order pursuant to such application in Docket No. 45-FD, ordering that the provisions of Section 4, II, (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by Applicant and consumed by him in the business of supplying water for domestic and industrial use to the City of Birmingham, Alabama, and territory adjacent thereto, within the State of Alabama, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering Applicant to apply periodically for renewal of said order, and to file such reports as the Commission may find necessary or appropriate to enable it to determine whether the conditions as found in said order continue to exist; and

Applicant having on November 22, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order,

which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal at its mines located in Jefferson County, Alabama, and the portion thereof which was consumed by Applicant in its operations in supplying water for domestic and industrial use to the City of Birmingham and adjacent territory within the State of Alabama; and

The Director having determined that the conditions supporting the exemption granted by the order of June 6, 1938, continue to exist;

It is ordered, That the application filed by the Applicant for renewal of said order dated June 6, 1938, be and the same is hereby granted;

Provided, however, That the said order of June 6, 1938, and the exemption granted thereby, and this renewal of said order shall automatically terminate and expire:

1. Unless the Applicant, on or before November 19, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 19, 1940, files with the Director a verified report for the six month period ending June 19, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director, at any time upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of June 6, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 19, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 39-4718; Filed, December 20, 1939;
11:55 a. m.]

[Docket No. 47-FD]

IN THE MATTER OF THE APPLICATION OF CAMBRIA CLAY PRODUCTS COMPANY FOR RENEWAL OF EXEMPTION

ORDER AMENDING ORDER GRANTING RENEWAL OF EXEMPTION

The Cambria Clay Products Company having filed an application for renewal of the exemption granted on June 6, 1938; and

The Director having by order on November 2, 1939, granted the Cambria Clay Products Company a renewal of its exemption;

It is ordered, That the order of November 2, 1939,¹ beginning with paragraph numbered 2, be and the same is hereby amended to read as follows:

2. Unless Applicant, on or before June 2, 1940, files with the Director a verified report for the six month period ending May 2, 1940, containing the following information, which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of June 6, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 18, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 39-4719; Filed, December 20, 1939;
11:55 a. m.]

[4 F. R. 4491 DL]

[Docket No. 501-FD]

IN THE MATTER OF THE APPLICATION OF THE
ALLEGHENY COUNTY INSTITUTION DISTRICT
FOR RENEWAL OF ORDER GRANTING EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

Allegheny County Institution District, Applicant herein, having on August 13, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in the business of manufacturing heat, light and power used in the operation of the buildings of the Allegheny County Institution District; and

The Commission having on October 17, 1938,¹ entered an order pursuant to such application, in Docket No. 501-FD, ordering that the provisions of Section 4, Part II, (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Applicant and consumed by it in the business of manufacturing heat, light and power used in the operation of Applicant's buildings, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant, on November 18, 1939, having filed with the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by Applicant during the year preceding the filing of its application for renewal at its mine located in Allegheny County, Pennsylvania, and consumed by Applicant in the operation of its buildings, and which application also contains a statement that all the facts as set forth in the application of August 13, 1938, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated October 17, 1938, continue to exist:

It is ordered, That the application filed by the Applicant for renewal of said order dated October 17, 1938, be and the same is hereby granted;

Provided, however, That said order dated October 17, 1938, and the exemption granted thereby, shall automatically terminate and expire:

1. Unless the Applicant, on or before November 18, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 18, 1940, files with the Director a verified report for the six month period

ending June 18, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director, at any time upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of October 17, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 18, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 39-4720; Filed, December 20, 1939;
11:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5804]

IN THE MATTER OF SPECIAL CONTRACT SERVICE OF THE WESTERN UNION TELEGRAPH COMPANY FOR PRESS TRAFFIC FROM LONDON, ENGLAND, TO NEW YORK, NEW YORK

NOTICE AND ORDER

At a session of the Federal Communications Commission held at its office in Washington, D. C. on the 18th day of December, A. D. 1939,

The Commission having under consideration The Western Union Telegraph Company's Tariff F. C. C. No. 200, Special Contract Service, governing the furnishing of facilities for the transmission of press material and pictures, and governing the transmission of such press material and pictures, from London, England, to New York, New York, and the charges therefor, and the regulations, classification and practices affecting such charges;

It is ordered, That an investigation be, and it is hereby instituted by the Federal Communications Commission, on its own motion, into and concerning the lawfulness of the maximum, minimum and precise basis of all charges and of the classifications, regulations, and practices relating thereto, applicable to the furnishing of facilities for the transmission of press material and pictures, from London, England to New York, New York under the provisions of The Western Union Telegraph Company Tariff F. C. C. No. 200 with a view to determining whether the charges and the classifications, regulations and practices relating thereto, applicable to the furnishing of such facilities and to such transmissions are in any respect in violation of the law, and with the view of making such finding and entering such order or orders in the premises, and of taking such other and further action as the facts and circumstances may appear to warrant;

It is further ordered, That The Western Union Telegraph Company be, and it is hereby made respondent to this proceeding, that this order be served upon the respondent, and that respondent appear and show cause why the Commission should not find that the Special Contract Service provided in said Tariff F. C. C. No. 200 is in violation of the law in that (1) the service was designed for and is furnished to one particular customer, to wit, the Associated Press, at a rate and under circumstances which constitute an undue and unreasonable discrimination against the customers using the ordinary press service of the telegraph company, or an undue or unreasonable preference to the Associated Press, (2) the volume requirement of four million words per annum in order to enable a customer to secure the Special Contract Service at the special rate unreasonably restricts the service to the use of one customer, to wit, the Associated Press, (3) the initial period requirement of three years to enable a customer to secure the service unreasonably restricts the service so as to make it available to only one customer, to wit, the Associated Press, (4) in the stipulation as to nonliability the company undertakes to exempt its self from liability for damages caused by its own negligence, (5) the differential in rates applicable to the Special Contract Press Service and ordinary press service bears no reasonable relation to any differences in cost of the services or in the circumstances under which the services are rendered, and (6) the Special Contract Press Service classification and the regulations and practices relating thereto constitute an undue and unreasonable discrimination against the small user in favor of the large user of the telegraph company's press services, or constitute a preference in favor of the large user or a prejudice against the small user of the telegraph company's press services;

It is further ordered, That notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission and by publishing a copy thereof in the FEDERAL REGISTER:

It is further ordered, That said proceeding be, and it is hereby, designated for hearing on the 22nd day of January, A. D. 1940 at 10:00 a. m., at the office of the Federal Communications Commission, Washington, D. C.

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-4724; Filed, December 20, 1939;
12:53 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1939.

[File No. 32-184]

IN THE MATTER OF CALIFORNIA PUBLIC SERVICE COMPANY, PEOPLES LIGHT AND POWER COMPANY

ORDER APPROVING APPLICATIONS, ETC.

California Public Service Company, a subsidiary of Peoples Light and Power Company, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from Section 6 (a) of said Act of the issue and sale of \$500,000 principal amount First Mortgage Bonds, Series B, 4 1/4%, due 1964, and the issuance and sale of 16,480 shares of \$25 par value common stock, or in the alternative, a declaration pursuant to Section 7 concerning the issuance and sale of said 16,480 shares of \$25 par value common stock; an application pursuant to Rule U-12C-1 (b) for approval of the acquisition and retirement of the 3,000 shares, no par value common stock presently outstanding;

Peoples Light and Power Company having filed an application pursuant to Section 10 for approval of the acquisition of 2,480 shares of the said \$25 par value common stock of California Public Service Company as part payment on an open account indebtedness; an application pursuant to Rule U-12D-1 seeking approval of the pledge of 16,480 shares of the said \$25 par value common stock under the indenture securing the Peoples Light and Power Company Collateral Lien Bonds, Series A, due 1961; and application pursuant to Rule U-12F-1 concerning the surrender to the California Public Service Company of 3,000 shares of the no par common stock of California Public Service Company; and an application pursuant to Rule U-12C-1 (b) concerning the acquisition and retirement of as many of the Collat-

eral Lien Bonds, Series A, due 1961 as may be acquired by the trustee with the sum of \$400,000 on tenders and to the extent necessary to exhaust such sum by purchases in the open market;

A public hearing having been duly held on these matters after appropriate notice and the Commission having examined the record and filed its findings herein;

It is ordered, That the applications be and the same hereby are approved;

It is further ordered, That the declaration filed by California Public Service Company be permitted to become effective;

It is further ordered, That the transactions involved in the applications and declaration shall be carried out and effected in accordance with the terms and conditions of and for the purposes represented by said applications and declaration;

It is further ordered, That with respect to the issuance and sale of the aforesaid securities the California Public Service Company shall file with this Commission, within ten days after the issuance of the aforesaid securities, a Certificate of Notification showing that the issue and sale of said securities have been effected in accordance with the terms and conditions of, and for the purposes represented by said applications and declaration, and that the exemption granted pursuant to Section 6 (b) shall immediately terminate without further order of this Commission if the express authorization of the issue and sale of the said securities by the Railroad Commission of the State of California or the authorization of the Public Utilities Commissioner of Oregon shall be revoked or otherwise terminated;

It is further ordered, That the application of Peoples Light and Power Company, pursuant to Rule U-12C-1 (b), be subject to the following conditions:

(1) That the proposed transactions be executed for the purposes and in the manner represented by the application and this order;

(2) That prior to any purchase, notice of the proposed call for tenders and for the proposed open market purchases be given by a notice published once in each of two successive calendar weeks in a daily newspaper published and of general circulation in New York City; and that such notice indicate the amount of funds which the trustee has available for the purchase of bonds and that each tender must be accompanied by the number of the bond tendered before the trustee will accept the tender;

(3) That the final date for acceptance of tenders be not earlier than eight days after the second published notice;

(4) That the applicant file with this Commission a Certificate of Notification within ten days after the tenders are accepted, giving the amounts of the bonds accepted together with the prices and the name and address of the holder and beneficial owner from whom acquired;

(5) To the extent that bonds are acquired in the open market, that the applicant shall file with this Commission monthly reports with respect to such purchases. Each such report shall set forth the date of each purchase, the number of bonds purchased, prices paid therefor, the name and address of the broker in each transaction and the name and address of the holder and beneficial owner from whom acquired;

(6) That this order in respect to open market purchases shall be summarily revocable if at any time this Commission shall deem the circumstances are such as to make further purchases no longer compatible with the public interest or the interests of investors or consumers. In any event such order shall expire at the close of business on December 31, 1940, unless the applicant shall obtain from this Commission a further extension of this order.

(7) That no tenders shall be made by or on behalf of Hopper, Soliday & Co., Glidden, Morris & Co., Brooke, Stokes & Co., David S. Soliday, Howard Morris, or Gerald P. Kynett.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4721; Filed, December 20, 1939;
12:17 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1939.

IN THE MATTER OF VOSSLER & VOSSLER, INC., 1310 AMERICAN BUILDING, CINCINNATI, OHIO

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

This is a proceeding, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, to determine whether the registration of Vossler & Vossler, Inc., as an over-the-counter broker and dealer, should be revoked or suspended.

After appropriate notice,¹ a hearing was held before a trial examiner on November 7, 1939. The registrant failed to appear personally or by counsel. The trial examiner filed an advisory report in which he found that on January 6, 1938, an application by the registrant for a renewal of its license as a dealer in securities in Ohio was refused by the Division of Securities, Department of Commerce, State of Ohio, for the reason that said Division did not find the applicant qualified to act as such dealer. The trial examiner further found that the registrant had had no license issued to it as a dealer in securities in Ohio since the expiration of its license for the year 1937; that the registrant had filed no supplemental statement to its application, as required by Rule X-15B-2, adopted by the Com-

mission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Act, revealing the aforesaid expiration of its license and refusal by the Ohio authorities to renew the same.

On an independent review of the record, we adopt the trial examiner's findings, and find that the registrant's failure to file the required supplemental statement as aforesaid constituted a wilful violation of Rule X-15B-2, and that it is in the public interest to revoke the registration of the registrant as an over-the-counter broker and dealer.

It is therefore ordered. Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Vossler & Vossler, Inc., be, and the same hereby is, revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4722; Filed, December 20, 1939;
12:17 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of December 1939.

[File No. 7-447]

IN THE MATTER OF PORTLAND GAS AND COKE COMPANY CERTIFICATES OF DEPOSIT REPRESENTING FIRST AND REFUNDING MORTGAGE 5% GOLD BONDS, DUE JANUARY 1, 1940

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange

in the First and Refunding Mortgage 5% Gold Bonds, due January 1, 1940, of Portland Gas and Coke Company, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered. Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4723; Filed, December 20, 1939;
12:17 p. m.]

UNITED STATES TARIFF COMMISSION.

WHEAT AND WHEAT PRODUCTS

HEARING IN INVESTIGATION NO. 3 UNDER SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

Public Hearing Ordered

Hearing. The Tariff Commission announces that a public hearing in the

investigation ordered on December 14, 1939,¹ under Section 22 of the Agricultural Adjustment Act, as amended, with respect to Wheat and Wheat Products, will be held at the office of the Tariff Commission, Washington, D. C. on January 4, 1940, at 10:00 a. m., at which time and place all parties interested will be given opportunity to be present, to produce evidence, and to be heard.

Nature of information at hearing. Information submitted at the hearing must be relevant and material to the matters under investigation.

Appearances at hearing. Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

Regulations. Copies of the regulations adopted for investigations under Section 22 may be obtained on application to the United States Tariff Commission, Washington, D. C., or to the New York office of the Commission, Room 712, Custom House, New York City.

I hereby certify that the above date for hearing was ordered by the United States Tariff Commission on the 19th day of December 1939.

[SEAL] SIDNEY MORGAN,
Secretary.

Notice issued December 20, 1939.

[F. R. Doc. 39-4718; Filed, December 20, 1939;
11:15 a. m.]

¹ 4 FR. 4880 DI.

